

PIKE COUNTY PROJECT DEVELOPMENT BOARD

CORRECTED MEETING MINUTES

Pike County Courthouse
Pikeville, Kentucky

June 5, 2008 at 5:00 p.m.

AOC CONSTRUCTION FILE
COUNTY: PIKE
FILE CODE: PDBI
SUBMITTED BY: JL
DATE: 8/8/08

CHAIR: Circuit Judge Eddy Coleman

MEMBERS OF THE BOARD PRESENT:

Magistrate Jeff Anderson
Director AOC/City Manager Donovan Blackburn
Circuit Court Clerk David Deskins
AOC Project Manager Jeff Lilly
Citizen at Large Hon. Charles E. Lowe, Jr.
District Judge Darrell Mullins
State Bar Assn. Representative Neal Smith

OTHERS PRESENT:

Bobby Branham, Executive Assistant to Judge/Executive
Rose Chaney, Jet One-Hour Cleaners
Rose Farley, Recorder
Rhonda James, Finance Commissioner of Fiscal Court
Codell Representative David Robinette
Jeanne Robinson, Executive Assistant to Judge/Executive
Mike Stewart, Grace Fellowship

MEMBERS OF THE BOARD ABSENT:

Judge/Executive Wayne T. Rutherford

Circuit Judge Eddy Coleman, Co-Chairman of the Pike County Project Development Board, presiding in the absence of Judge/Executive Wayne T. Rutherford called to order a regularly scheduled meeting of the Board on June 5, 2008, at 5:00 p.m., in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky. **Upon motion by Neal Smith and second by David Deskins, the Board unanimously APPROVED the meeting minutes for May 1, 2008.**

Judge Coleman announced receipt of three invoices received for which payment had been delayed for authorization. Jeff Lilly, AOC Project Manager, explained that bills typically will come into Codell Construction in its capacity as Construction Manager. He stated he will have a request going into the trustee, then he will sign and Judge Coleman will sign also since he has been verified a second signee in his office as co-chairman. Mr. Lilly stated each and every payment coming into the Board will have been approved through the AOC system.

Judge Coleman noted these bills have been presented AOC and Mr. Lilly has seen them. Donovan Blackburn asked when the construction phase began, if the bills would be presented by the subcontractors or would the subcontractors present their payments to Codell. Mr. Lilly answered it would come to Codell and then to him for his review. He said Codell would sign off before he brought them before the Board. David Robinette, representative of Codell, stated the bills would come straight to Teresa at Codell. Mr. Lilly said if any bills were received to call him. **Upon motion by Neal Smith and second by Magistrate Jeff Anderson, the Board unanimously AUTHORIZED payment of bills for \$2,033.12 for reimbursement of publication costs to the Pike County Fiscal Court; RC Corporation appraisal fees of \$8,250.00; and secretarial fees for the recorder of \$700.00 from June 26, 2007 - April 3, 2008.**

Ryan Barrow from Ross, Sinclaire & Associates presented an incumbency certificate and Judge Coleman said this should be part of the record, noting the Judge's office will have him sign off on the bills. Mr. Barrow stated usually one individual with the Judge will sign off and he said a second person is added to the certificate on every project being worked on. He stated Judge Coleman's signature could be authorized this evening and those funds could be released. **Upon motion by Donovan Blackburn and second by Neal Smith, the Board unanimously AUTHORIZED and APPROVED an Incumbency Certificate to permit Judge Eddy Coleman to act as secondary signee and FURTHER APPROVED making the agreement part of the record of these board minutes.**

Judge Coleman stated Steve Sherman, architect, is on vacation. He said Mr. Sherman would be here soon to meet with some attorneys, the Bar Association and some of the arson people. Mr. Lilly said June 23 had been a goal for the AOC meeting to approve Phase A of the project but there was a delay arising from proposed changes to the third and fourth floors so an early August meeting is more likely.

Mr. Lilly said he had spoken with Garlan Vanhook and given the judges' input about the three-four floor scheme. He said the fourth floor had been conceded and Mr. Sherman has been authorized to proceed with planning for that floor which will be shown at the July 3 meeting with the three-story layout.

Rose Chaney, owner of Jet One-Hour Cleaners in the Pinson Hotel, came to speak about moving her business and whether there would be any compensation for having to relocate. She detailed her concern about the rules and regulations with the EPA in her business. Judge Coleman stated the Board goes by the statute which might have a remedy with the landlord. He advised her to take the lease and speak with an attorney. Neal Smith told her there might be a provision in the lease in case the property was condemned, an issue typically addressed in a lease agreement. He said there might also be some type of release within the body of the lease agreement. Judge Coleman told the lady the Board has no legal authority to give her any money; that this would be between her and her landlord. Mr. Lilly said he has spoken to Mr. Vanhook about her. He said that the monies are allocated by the legislature and that money goes to the landowners; that the owner must be the one directly dealt with.

Mr. Lilly declared Ms. Chaney would not be put on the street next month; that sufficient notice would be given. He confirmed there is much to do before construction begins with several months before anyone would have to move. David Deskins said there will be a point in the future that a definitive date could be given to Ms. Chaney.

Bobby Branham, Executive Assistant to Judge Rutherford, asked if there was anything in the condemnation suit that would offer a certain number of days for people to vacate and Judge Coleman answered yes. Mr. Lilly said there is usually a certain period of time set but the Board would try to give her as much time as possible. Judge Coleman reminded her that no judge sitting on this Board could hear the condemnation action.

He outlined the procedure of condemnation whereby people in the County will be appointed as commissioners to go out to assign a purchase price for the property; that is served on the property owners; then both the County and the property owners have a time to file exceptions to the price. At some point an interlocutory judgment will be sought which will provide the purchase price to be paid at the clerk's office and the deeds will come from the commissioner to the government agency. Shortly after that, the period of time will be determined to take possession of the property so that would take several months or probably the rest of the year. Mr. Lilly stressed it would not happen quickly.

Mike Stewart, minister of Grace Fellowship, said he had been in attendance at the board meetings and the disruption of people's lives bothered him. He asked for reconsideration of the site.

Mr. Blackburn stated an issue came up with reference to the Combs property. He said he had met with the City Attorney and Assistant County Attorney and they are discussing this. As soon as they have more information, he will be able to advise the Board if it is a project for consideration.

With no further business before the Board, Judge Coleman ADJOURNED the meeting.

Respectfully submitted,

Rose Farley, Recorder